

# **Exhibit D**

1  
2 IN THE UNITED STATES DISTRICT COURT  
3 NORTHERN DISTRICT OF ILLINOIS  
4 EASTERN DIVISION

4 FRED L. NANCE, JR., )  
5 )  
6 Plaintiff, )  
7 )  
8 vs ) No. 1:20-cv-06316  
9 )  
10 EMAGES, INC., and HATTIE WASH, )  
11 )  
12 Defendants. )

9  
10 The DEPOSITION of FRED L. NANCE, JR.,  
11 Ph.D., called by the Defendants for examination, taken  
12 pursuant to notice and pursuant to the Rules of the Code  
13 of Civil Procedure for the United States District Courts  
14 pertaining to the taking of depositions, taken before  
15 CYNTHIA M. STIFTER, Certified Shorthand Reporter and  
16 Notary Public within and for the County of Cook and  
17 State of Illinois, at 111 East Wacker Drive, Suite 2600,  
18 Chicago, Illinois, on Monday, the 8th day of May, A.D.,  
19 2023, at 10:20 o'clock a.m.  
20  
21  
22  
23  
24

A P P E A R A N C E S:

DR. FRED L. NANCE, JR., Ph.D.  
(17239 Evans Avenue  
South Holland, Illinois 60473-3436  
(708) 921-1395  
frednance@clickservices.org),

Appeared pro se;

TAFT STETTINIUS & HOLLISTER LLP  
BY: MR. ADAM W. DECKER  
(111 East Wacker Drive  
Suite 2600  
Chicago, Illinois 60601  
(312) 527-4000  
adecker@taftlaw.com),

Appeared on behalf of the Defendants.

REPORTED BY: CYNTHIA M. STIFTER, C.S.R.

I N D E X O F E X A M I N A T I O N SPAGE   LINE

Examination by Mr. Decker..... 4      7

\* \* \* \* \*

C E R T I F I E D Q U E S T I O N SPAGE   LINE

Number 1..... 5      12

Number 2..... 13      10

\* \* \* \* \*

E X H I B I T S

(No exhibits were marked.)

(Witness duly affirmed.)

FRED L. NANCE, JR., Ph.D.,  
called as a witness herein, having first duly affirmed,  
was examined and testified as follows:

EXAMINATION

BY

MR. DECKER:

Q. Good morning. Could you, please, state your  
name, and spell your last name for the record?

A. Dr. Fred L. Nance, Junior, N-a-n-c-e.

Q. Good morning, Dr. Nance. Today we're here for  
your deposition in the case you filed against EMAGES and  
Dr. Hattie Wash. Have you ever been deposed before?

A. Yes.

Q. How many times approximately?

A. It's not relevant to this case.

Q. Dr. Nance, so today relevance objections are  
not a valid basis to object. You can object for the  
purposes of the record, but I'm still going to ask that  
you answer the question.

A. I object.

1 Q. Approximately how many times have you been  
2 deposed before?

3 A. I object.

4 Q. Are you refusing to answer the question?

5 A. I object. I can't recall.

6 Q. Are you refusing?

7 A. I can't recall. I'm not going to answer it  
8 the way you want me to answer it. That's not how this  
9 is going to happen today.

10 Q. Dr. Nance --

11 A. I can't recall. That's it.

12 Q. I'm asking you how many times you've \*\*\*  
13 been deposed before?

14 A. I can't recall.

15 Q. Can you actually not recall, or are you  
16 refusing to answer?

17 A. What did I say?

18 Q. Dr. Nance --

19 A. What did I say? I can't recall.

20 Q. Dr. Nance, this is my opportunity to ask you  
21 questions.

22 A. And it's my opportunity to answer.

23 Q. Correct. And you just took an oath to tell  
24 the truth and nothing but the truth.

1           A.     I can't recall.

2           Q.     If you're refusing to answer, I would like to  
3 call Magistrate Judge Jantz right now.

4           A.     I don't care. I can't recall. You're not  
5 going to get -- I'm not answering the way you want me to  
6 answer. That's not getting ready to happen.

7           Q.     Dr. Nance, this is a very basic, introductory  
8 question I ask of every single witness.

9           A.     That's a basic answer, and that's the answer  
10 you're going to get for the rest of the day if it  
11 doesn't pertain to this (indicating).

12                 MR. DECKER: All right. Cindy, can you mark  
13 that question for the record, please?

14 BY MR. DECKER:

15           Q.     Dr. Nance, if this continues, though, we're  
16 going to have to stop and call Magistrate Judge Jantz.

17           A.     I don't care what you do. I don't about you  
18 calling no judge. You know what, they're corrupt  
19 anyway, all of them. I'm writing a book about it now.

20                     I don't care about the rules and stuff  
21 that they make. I understand that I got to follow it.  
22 I can't recall. why don't you go talk to Trump in there  
23 and see about their answers, and the Republican Senate,  
24 and the Republicans, period. why don't you go ask them

1 about that? I can't recall.

2 MR. DECKER: All right. Can we go off the  
3 record for a second, Cindy?

4  
5 (A discussion was had  
6 off the record.)

7  
8 MR. DECKER: Back on the record, Cindy.

9 So just to clarify the record, we just  
10 called Judge Jantz's chambers. She is not going to  
11 intervene at this time, but her clerk informed us that  
12 we could file a motion if we run into further issues as  
13 far as answering depositions (sic) are concerned.

14 BY MR. DECKER:

15 Q. So, Dr. Nance, just to clarify the record, are  
16 you refusing, or can you not recall how many times  
17 you've been deposed before?

18 A. I can't recall.

19 Q. Have you been a party to a federal or state  
20 lawsuit before?

21 A. I can't recall. The only thing I'm talking  
22 about is this (indicating). I'm not talking about your  
23 formalities and all that. The only thing I'm here for  
24 is to talk about my complaint, period. Not my history;



1 not my birth date; not my sex; nothing; only this  
2 complaint. So you can ask your questions, and I don't  
3 recall.

4 Q. Dr. Nance, I know you're an experienced  
5 litigator at this point. That is not how depositions  
6 work. I ask the questions, and you can object for the  
7 record, but I still need you to answer them.

8 A. Go ahead. I'm going to object, though. I'm  
9 going to say I don't recall if it doesn't pertain to  
10 this (indicating).

11 Q. Do you have any other currently pending  
12 lawsuits right now?

13 A. I object.

14 Q. You can object, but I'd still need you to  
15 answer.

16 A. I don't recall. I did the same thing -- wait  
17 a minute. You just told me I can object, or I don't  
18 recall. It ain't going to be both ways. You're not  
19 going to have it both ways. You're only going to have  
20 it one.

21 Q. No, no, no. Dr. Nance, so during a  
22 deposition, formal objections can be made, but unless  
23 it's on the basis --

24 A. It's formal to me. Formal to who? File your

1 motion. Formal to who? And we'll answer it in writing  
2 with the ascribed law that applies to it.

3 Q. Dr. Nance, so just for the record, unless any  
4 of my questions do not directly relate to what is  
5 alleged in your complaint, you are going to not answer  
6 them today; is that correct?

7 A. I'm not going to answer that question.

8 Q. You won't answer the question about whether or  
9 not you will answer the question?

10 A. I've got a mental health degree. Don't throw  
11 that aside. I know what you're doing. I'm not going to  
12 answer no circling questions. You got my answer.  
13 That's it. I don't care which way you try to couch it.

14 Q. You just said you wouldn't answer.

15 A. I don't care which way you try to couch it,  
16 and how you want to interpret my language. File your  
17 motion, and we'll do it that way in writing.

18 Q. Dr. Nance, if this is going to go on all day,  
19 I think we should probably just terminate the deposition  
20 right now, and bring this issue to Judge Jantz through a  
21 motion.

22 A. You can do what you want to do. I'm not going  
23 to tell you which way to go. I'm going to answer  
24 questions according to what this is (indicating); what's

1 written here in my document. And it's voluminous. I  
2 got -- everything I said in this complaint is true.  
3 It's facts. That's what I'm going to respond to. I'm  
4 not going to respond to my personal life, the things  
5 that have happened in my life. I'm not doing that. Now  
6 take that wherever you want to take it.

7 Q. Dr. Nance, I am not trying to dig into your  
8 personal life.

9 A. Yes, you are.

10 Q. No, I am not.

11 A. Yes, you are. You're asking me questions that  
12 don't pertain to this (indicating).

13 Q. So my understanding is that anything that  
14 doesn't relate to your complaint is considered your  
15 personal life?

16 A. That's right.

17 Q. I'm asking about your litigation history.

18 A. You're asking about my personal life, just as  
19 if you had asked me for my driver's license. I was  
20 already here to tell you no, you ain't getting that.

21 Q. I'm not asking for your driver's license.

22 A. Okay. I'm just letting you know where this is  
23 going. I'm only going to respond to what's in this  
24 complaint. Now bring your motion, and let's deal with

1 it legally. Let's do it in writing, so I have it on  
2 that record; not this record (indicating). I want to  
3 have it on that record. You're not going to make me or  
4 try to persuade me to answer questions that you want me  
5 to answer to try to negate what I have written in my  
6 complaint.

7 Q. Dr. Nance, that's exactly the point of the  
8 deposition.

9 A. I know.

10 Q. Your complaint --

11 A. I know.

12 Q. Your complaint is merely allegations at this  
13 point.

14 A. Okay.

15 Q. You need to provide actual evidence, and as  
16 the --

17 A. And I did. I gave you -- I answered your  
18 production of documents and everything else.

19 Q. Correct. But --

20 A. Okay. Let's talk about that.

21 Q. Dr. Nance, that's another thing, we can't be  
22 speaking over one another during the deposition.

23 A. Okay.

24 Q. Because our court reporter needs to take

1 everything down, and it's very difficult for her to  
2 take --

3 A. You're correct.

4 Q. -- simultaneous talk down.

5 A. Okay. My bad.

6 Q. Right. But this is my opportunity to ask you  
7 questions in order to figure out whether the allegations  
8 in your complaint are actually what you claim them to  
9 be.

10 A. Okay. Let's talk about my complaint then.

11 Q. Sure.

12 A. That has -- what happened in my life has  
13 nothing to do with my complaint. That's my language,  
14 and that's the language I'm going to use in any motion  
15 you file. What happened in my personal life has nothing  
16 to do with this complaint, besides the things that  
17 happened in this complaint. Because that's my personal  
18 life, and you have no right to that. The court has no  
19 right to that. And I'll fight them all the way to the  
20 Supreme Court for it.

21 Q. Would you consider personal health conditions  
22 to be your personal life?

23 A. That's right.

24 Q. Would you look in the complaint and see

1 whether or not you've alleged any issues with your  
2 personal health that have arose after the alleged  
3 retaliatory discharge?

4 A. No, I won't have a problem -- if it's in this  
5 complaint, I will talk about it. If it's in this  
6 complaint.

7 Q. What about Answers to Interrogatories that you  
8 filed in this action?

9 A. I'll answer those according to what they are.

10 Q. Are there any other areas of inquiry \*\*\*  
11 you'd refuse to answer?

12 A. Sir, let's go. Continue with your questions.  
13 That's an irrelevant question that you're asking because  
14 we aren't there.

15 Q. Again, relevancy isn't a basis to object  
16 today.

17 A. Well, you can say what you want to say.  
18 That's what I'm going to do. If it isn't relevant, I'm  
19 not going to do it.

20 MR. DECKER: All right. Again, I'd just ask  
21 you to certify this for the record, Cindy.

22 BY MR. DECKER:

23 Q. And to try and get things going today, would  
24 you at least answer questions about your history with

1 EMAGES, even if they predate the 2018 grant?

2 A. No. We're going to talk about this  
3 (indicating). And that's in here, too. That's in my  
4 original complaint.

5 Q. Okay. So --

6 A. So you can ask whatever is in my original  
7 complaint that involves the Department of Justice,  
8 because that's how I started with EMAGES, even though  
9 the judge dismissed that in June of whatever year that  
10 was -- 2018. That's a recall issue; ain't it?

11 Anyway, and then this amended complaint  
12 that I filed when the judge said I can file it just  
13 against EMAGES. You can ask any questions in there  
14 because all I'm going to repeat is what's here  
15 (indicating). So let me know what page it's on when  
16 you're asking it to me, so I can go to it and see what  
17 you're saying.

18 Q. Are you going to refuse to answer questions  
19 about the exhibits I've included?

20 A. Ask your question, sir, and we're going to  
21 see.

22 Q. Well, Dr. Nance, that's the thing. So you can  
23 only include so much in the complaint, but then  
24 documents that are produced in a lawsuit also become

1 evidence. Answers to Interrogatories also become  
2 evidence. This is directly related to what's in your  
3 complaint.

4 A. Well, let's see.

5 Q. All right. So when did you and Dr. Wash make  
6 the decision that you were going to apply for the 2008  
7 Second Chance Act grant that is the issue of this  
8 lawsuit?

9 A. 2018, maybe January, something like that,  
10 2018.

11 Q. Had you worked with EMAGES previously?

12 A. Yes.

13 Q. On how many occasions?

14 A. I've been working with EMAGES since 2001.

15 Q. And approximately how many grants had been  
16 awarded to EMAGES throughout the time that you were  
17 working with them?

18 A. I don't have any idea.

19 Q. How many grants had you personally worked on  
20 when you were also collaborating with EMAGES?

21 A. Two.

22 Q. Two? When was the first occasion?

23 A. 2010.

24 Q. And what was the subject of that grant, or



1 what services were you providing pursuant to it?

2 A. Mentoring with sex offenders.

3 Q. So similar to what the 2018 grant was?

4 A. Yes.

5 Q. why did you decide to work with EMAGES  
6 specifically?

7 A. Because I was working with the sex offenders.

8 Q. Could you have worked with other nonprofit  
9 organizations?

10 A. Possibly.

11 Q. And are you currently employed by C.L.I.C.K.  
12 Services NFP?

13 A. Yes.

14 Q. And are you also the CEO of that entity?

15 A. Yes.

16 Q. Okay. Was C.L.I.C.K. Services formed in the  
17 2010 time frame?

18 A. Yes.

19 Q. Was there a decision that you made to  
20 collaborate with EMAGES as opposed to seeking to just  
21 have the grant issued to C.L.I.C.K.?

22 A. Yeah, I collaborated with EMAGES because we  
23 were working with the sex offenders, and she -- and  
24 Dr. Wash had the sex offenders program.

1 Q. Could you not have done that directly through  
2 your own entity, C.L.I.C.K., though?

3 A. I wasn't working with the sex offenders. I  
4 helped write the Second Chance Act bill that President  
5 Bush signed in -- April 10, 2008, I think, 2009, maybe.  
6 So I know what's in that legislation, and so I decided  
7 to work with EMAGES because it was a better route than  
8 going through my agency.

9 Q. Could you have done so independently, though,  
10 if you chose to apply for the grant?

11 A. Working with sex offenders?

12 Q. Yes.

13 A. Spell that question out.

14 Q. Sure. And that's also perfectly fine. If at  
15 any point today, you don't understand a question --

16 A. I understand.

17 Q. If you don't understand a question --

18 A. No, no, no. Wait a minute. Excuse me, sir.  
19 Excuse me. Let me interrupt a second, so we can be real  
20 clear. I really -- just like my complaint, I deal with  
21 cultural issues, and us -- and me understanding your  
22 culture, and you understanding mine.

23 So be very careful about the questions  
24 you ask me that are cultural, racial, or any of that

1 because I will definitely address that. It ain't  
2 personal. But sometimes other cultures don't understand  
3 the language of some cultures, and they say things that  
4 are offensive; may not know that they're offensive, but  
5 they are. So I just want to say that as you ask me  
6 these questions.

7 Q. And I appreciate that. All I was trying to  
8 say is if you don't understand a question that I ask --  
9 I ask plenty of bad questions in depositions all the  
10 time. Please just let me know that. I'll try and  
11 rephrase it. But if you answer a question after I ask  
12 you one, I'm going to assume that you understood it; is  
13 that fair?

14 A. Okay.

15 Q. Okay. That's all I was trying to get across.

16 A. Okay.

17 Q. So my question had to deal with if you chose  
18 to apply for a federal grant to work with sex offenders  
19 independently through your entity C.L.I.C.K., could you  
20 have done so?

21 A. What does that matter? How does that matter?  
22 No, no, how does that matter? It doesn't matter.

23 Q. Dr. Nance, I'm not being deposed today. So I  
24 ask the questions. You can let me know if you don't

1 understand them.

2 A. I object to the question.

3 Q. Yes, you can object, but you still have to  
4 answer.

5 A. I object to the question. I don't have to  
6 answer if I object to it. Are you kidding me? Take it  
7 to court. Let's put it in writing, man. I'm not doing  
8 that.

9 Q. Dr. Nance --

10 A. This ain't my rodeo -- this ain't my first  
11 rodeo.

12 Q. Trust me, I know. And actually now that you  
13 say this isn't your first rodeo, you can't recall how  
14 many lawsuits you've been involved with previously?

15 A. No, because it ain't my first rodeo. I've  
16 been in a whole lot of them.

17 Q. Okay. So now you can remember?

18 A. No.

19 Q. You couldn't recall previously, though?

20 A. That wasn't the same thing.

21 Q. And now you've been in a lot of them?

22 A. It wasn't the same thing. I've been in a lot  
23 of rodeos.

24 Q. Now you're talking about actual rodeos?

1           A.     what rodeos are we talking about? Are we  
2     talking about horses? Are we talking about trains?  
3     what are we talking about here? You can keep on with  
4     your trick questions because I got trick statements for  
5     you, too.

6           Q.     Dr. Nance, you told me off the record that  
7     this is just business.

8           A.     I'm through talking about that.

9           Q.     You're making it personal right now.

10          A.     Of course.

11          Q.     why?

12          A.     When you attack me, that's what I'm going to  
13     do.

14          Q.     I am not attacking you.

15          A.     Yes, you are. That's your perception. That's  
16     your cultural issue.

17          Q.     Dr. Nance, you recognize that you are the  
18     Plaintiff in a federal lawsuit that is seeking \$500,000  
19     in damages from my clients; is that correct?

20          A.     I object because it's a trick question.

21          Q.     That is in your complaint.

22          A.     Okay. If it's in my complaint, why are you  
23     asking me?

24          Q.     Because apparently that's all I can ask you

1 about today.

2 A. Okay.

3 Q. Is that correct?

4 A. I object.

5 Q. All right.

6 A. Ask the question like it is on the paperwork.

7 Q. Dr. Nance, this is not how a deposition is  
8 going. If this is how it's going to go the rest of the  
9 day, I'd rather just not waste our time.

10 A. Don't waste my time. Don't waste yours. Do  
11 what you got to do.

12 Q. So we're calling to call it then.

13 A. Yeah, I don't care what you do.

14 MR. DECKER: So, Cindy, I'd like to have all of  
15 those issues certified, and we'll bring this through  
16 motion practice with Judge Jantz.

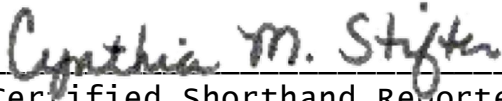
17 THE WITNESS: Thank you.

18 MR. DECKER: And we'll terminate.

19  
20 (The deposition was  
21 terminated sine die.)  
22  
23  
24

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 CYNTHIA M. STIFTER, being first duly  
5 sworn, on oath says that she is a Certified Shorthand  
6 Reporter, that she reported in shorthand the proceedings  
7 at the said terminated deposition, and that the  
8 foregoing is a true and correct transcript of her  
9 shorthand notes so taken as aforesaid.

10  
11  
12  
13   
14 Certified Shorthand Reporter  
15 Notary Public  
16 Cook County, Illinois  
17 C.S.R. License No. 084-003054  
18  
19  
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|              |              |              |              |
|--------------|--------------|--------------|--------------|
| -----        | -----        | alleged 9:5; | Avenue 2:8   |
| 0            | 6            | 13:1,2       | awarded 15:  |
| -----        | -----        | already 10:  | 16           |
| 000 20:18    | 60473-3436   | 20           | -----        |
| 084-003054   | 2:9          | amended 14:  | B            |
| 22:22        | 60601 2:23   | 11           | -----        |
| -----        | -----        | another 11:  | Back 7:8     |
| 1            | 7            | 21,22        | bad 12:5;    |
| -----        | -----        | answer 4:23; | 18:9         |
| 1 3:25       | 7 3:9        | 5:4,7,8,16,  | basic 6:7,9  |
| 10 3:27; 17: | 708 2:10     | 22; 6:2,6,   | basis 4:21;  |
| 5            | -----        | 9; 8:7,15;   | 8:23; 13:15  |
| 10:20 1:28   | 8            | 9:1,5,7,8,   | become 14:   |
| 111 1:26; 2: | -----        | 9,12,14,23;  | 24; 15:1     |
| 21           | 8th 1:27     | 11:4,5; 13:  | behalf 2:28  |
| 12 3:25      | -----        | 9,11,24;     | besides 12:  |
| 13 3:27      | 9            | 14:18; 18:   | 16           |
| 17239 2:8    | -----        | 11; 19:4,6   | better 17:7  |
| 1:20-cv-     | 921-1395 2:  | answered 11: | bill 17:4    |
| 06316 1:11   | 10           | 17           | birth 8:1    |
| -----        | -----        | answering 6: | book 6:19    |
| 2            | A            | 5; 7:13      | both 8:18,19 |
| -----        | -----        | answers 6:   | bring 9:20;  |
| 2 3:27       | A.D. 1:27    | 23; 13:7;    | 10:24; 21:   |
| 2001 15:14   | a.m 1:28     | 15:1         | 15           |
| 2008 15:6;   | according 9: | anyway 6:19; | Bush 17:5    |
| 17:5         | 24; 13:9     | 14:11        | business 20: |
| 2009 17:5    | across 18:15 | apparently   | 7            |
| 2010 15:23;  | Act 15:7;    | 20:24        | -----        |
| 16:17        | 17:4         | Appeared 2:  | C            |
| 2018 14:1,   | action 13:8  | 14,28        | -----        |
| 10; 15:9,    | actual 11:   | applies 9:2  | C.L.I.C.K.   |
| 10; 16:3     | 15; 19:24    | apply 15:6;  | 16:11,16,    |
| 2023 1:28    | actually 5:  | 17:10; 18:   | 21; 17:2;    |
| 2600 1:26;   | 15; 12:8;    | 18           | 18:19        |
| 2:22         | 19:12        | appreciate   | call 6:3,16; |
| -----        | ADAM 2:20    | 18:7         | 21:12        |
| 3            | address 18:1 | approximatel | called 1:20; |
| -----        | adecker 2:25 | y 4:18; 5:   | 4:4; 7:10    |
| 312 2:24     | affirmed 4:  | 1; 15:15     | calling 6:   |
| -----        | 1,4          | April 17:5   | 18; 21:12    |
| 4            | aforesaid    | are. 10:11   | care 6:4,17, |
| -----        | 22:11        | areas 13:10  | 20; 9:13,    |
| 4 3:9        | agency 17:8  | aren't 13:14 | 15; 21:13    |
| -----        | ahead 8:8    | arose 13:2   | careful 17:  |
| 5            | ain't 8:18;  | ascribed 9:2 | 23           |
| -----        | 10:20; 14:   | aside 9:11   | case 4:15,19 |
| 5 3:25       | 10; 18:1;    | assume 18:12 | CEO 16:14    |
| 500 20:18    | 19:10,15     | attack 20:12 | Certified 1: |
| 527-4000 2:  | allegations  | attacking    | 24; 21:15;   |
| 24           | 11:12; 12:7  | 20:14        | 22:7,19      |



|              |              |              |              |
|--------------|--------------|--------------|--------------|
| certify 13:  | 10:14        | 14; 7:2,8,   | down 12:1,4  |
| 21           | Continue 13: | 14; 13:20,   | Drive 1:26;  |
| chambers. 7: | 12           | 22; 21:14,   | 2:21         |
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